IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. APPLICATION NO.13 of 2005

Rashmi Nilesh Pappu .. Applicant

vs.

Nilesh Sanjeev Pappu .. Respondent.

Mr.R.S.Raymond i/b. Raymond & Co.Advocate for the Appellant.

Mr.Pitale, Advocate for the Respondent.

CORAM : A.S.OKA, J.

DATED : 29th March, 2005.

P.C. :

1. Heard learned Counsel appearing for the parties. The Applicant is the wife and the Respondent is the husband. The Respondent husband has filed the Marriage Petition No.213 of 2004 in the Court of Civil Judge, Sr. Division at Thane praying for decree of Restitution of Conjugal Rights. The Applicant wife has filed M.J.Petition No.A-140 of 2004 in the Family Court at Bandra, Mumbai for decree of divorce. The prayer in the application is for transfer of the petition filed by the Respondent husband to the Family Court at Mumbai.

2. The Respondent has filed an affidavit opposing the prayer.

3. I have heard the learned Counsel appearing for the parties. It is not in dispute that the petition filed by the Applicant is earlier in point of time. It cannot be disputed that it will be convenient for both the parties if both the petitions are heard by one and the same Court. The Respondent has not applied for transfer. Considering the nature of both the cases, in the interests of Justice it is required that both the cases are heard by one and the same Court.

4. Hence the petition No.213 of 2004 filed by the Respondent is transferred to the family Court at Bandra. Accordingly application is allowed in terms of prayer clause‘A’.

5. The concerned Court will issue notice of the date fixed in Marriage Petition No.213 of 2004 after receipt of record and proceeding.

. Both the parties and the concerned Court to act on the authenticated copy of this order.

(A.S.Oka, J.)